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# 2023 LEGISLATIVE UPDATE



GRAYROBINSON




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# KNOW THE PLAYERS

OFFICE OF GOVERNOR DESANTIS



**RON DESANTIS**  
FLORIDA GOVERNOR



**JAMES UTHMEIER**  
CHIEF OF STAFF



**STEPHANIE KOPELOUSOS**  
LEGISLATIVE AFFAIRS DIRECTOR



**CHRIS SPENCER**  
OFFICE OF POLICY AND  
BUDGET DIRECTOR

# KNOW THE PLAYERS

## CABINET MEMBERS



**WILTON SIMPSON**  
COMMISSIONER OF AGRICULTURE AND  
CONSUMER SERVICES



**ASHLEY MOODY**  
ATTORNEY GENERAL



**JIMMY PATRONIS**  
CHIEF FINANCIAL OFFICER

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# KNOW THE PLAYERS

HOUSE



**PAUL RENNER**  
SPEAKER OF THE HOUSE

**TOM LEEK**  
BUDGET CHAIR

**MICHAEL GRANT**  
MAJORITY LEADER

**CHUCK CLEMONS**  
SPEAKER PRO TEMPORE

**DANNY PEREZ**  
RULES CHAIR AND  
SPEAKER DESIGNATE

**FENTRICE DRISKELL**  
MINORITY LEADER

# KNOW THE PLAYERS

SENATE



**KATHLEEN PASSIDOMO**  
SENATE PRESIDENT

**DENNIS BAXLEY**  
PRESIDENT PRO TEMPORE

**BEN ALBRITTON**  
MAJORITY LEADER AND  
PRESIDENT DESIGNATE

**LAUREN BOOK**  
MINORITY LEADER

**DOUG BROXSON**  
BUDGET CHAIR

**DEBBIE MAYFIELD**  
RULES CHAIR

# 2022 SPECIAL SESSION

## SB 2D - PROPERTY INSURANCE

### **PROGRAMS**

- Reinsurance to Assist Policyholders (RAP) Program
- My Safe Florida Home Program

### **ROOFS**

- Contractor Solicitation of Roof Claims
- Separate Roof Deductibles
- Insurer Underwriting

### **INSURERS**

- Insurer Claims Handling
- Regulation of Insurers and Insurer Transparency

# 2022 SPECIAL SESSION SB 2D - PROPERTY INSURANCE

## **LITIGATION**

- Civil Remedy (Bad Faith)
- Assignment of Benefits (AOB)

## **ATTORNEY FEES**

- Assignment of Benefits (AOB)
- Fee Multipliers
- Dismissal for Failure to Provide Notice



# MAJOR 2023 ISSUES





# HB 837 - TORT REFORM

Capitalizing on the Republican supermajorities in both chambers and a business-friendly climate in the executive branch, the Senate took the lead on Florida's most significant lawsuit reform since Jeb Bush was Governor. In short, the bill:

- Repeals one-way attorneys' fees in insurance claims.
- Reduces the statute of limitations for general negligence cases from four years to two.
- Changes negligence system from a pure comparative to a modified comparative.
- Significantly reforms bad faith framework.
- Instructs distribution of proceeds when two or more third-party claims arising out of a single occurrence exceed policy limits.
- Provides standards for evidence to prove damages for medical expenses in certain civil actions.



# HB 837 - TORT REFORM

- Requires certain disclosures with respect to claims for medical expenses for treatment rendered under letters of protection.
- Requires trier of fact to consider the fault of certain persons who contribute to an injury.
- Provides that owner or principal operator of multifamily residential property, which substantially implements specified security measures on that property, has presumption against liability in connection with certain criminal acts that occur on premises.
- Revises provisions relating to immunity from liability for injury to trespassers on real property.
- Specifies applicability of provisions relating to offer of judgment and demand for judgment.

# HB 401 - SOVEREIGN IMMUNITY

Failed this session. However, significant negotiations occurred between the House, Senate, and stakeholders, especially following the passage of the previously referenced Tort Reform legislation.

- The House proposal increased caps for damages against state and local government entities to \$2.5 million per person and \$5 million per incident.
- Senate proposal, which never moved, also increased caps but at a much lower amount.
- Expect this issue to come back during the 2024 Legislative Session.

# HB 3 - GOVERNMENT AND CORPORATE ACTIVISM

- Signed into law by Governor on May 1.
- Prohibits Environmental, Social, and Governance (ESG) considerations in pension funds, bonding/ lending decisions, and state contracting.
- Prohibits discrimination by financial institutions on the basis of religious beliefs.
- Prohibits banks engaging in corporate activism from holding public deposits as a Qualified Public Depository (QPD).
- Prohibits the financial sector from considering “Social Credit Scores.”
- Directs the AG, CFO, and Commissioner of Financial Regulation to enforce provisions to the fullest extent of the law.



# SB 714 - VACATION RENTALS

Despite significant work toward a consensus and supported by local governments, hospitality interests, and vacation rental groups alike, the bill died on the final day of session.

House amended language on day 59, stripping local governments of oversight authority, and the Senate refused, on Day 60, to concur with the House's position. The bill would have:

- Required advertising platforms to collect and remit specified taxes for certain vacation rental transactions.
- Revised the regulated activities of public lodging establishments and public food service establishments preempted to the state to include licensing.
- Directed advertising platforms to require that persons placing advertisements for vacation rentals include certain information in the advertisements and attest to certain information.
- Authorized the division to revoke, refuse to issue or renew, or suspend vacation rental licenses under certain circumstances.

# CS/HB 7055 - LOCAL GOVERNMENT CYBERSECURITY ACT (2022)

- Amends the state's Cybersecurity Act that requires the Florida Digital Service (FLDS) and heads of state agencies to meet requirements to enhance the cybersecurity of state agencies. Currently, state agencies must provide cybersecurity training to their employees, report cybersecurity incidents, and adopt cybersecurity standards. However, there are no such requirements for local governments.
- Prohibits state agencies and local governments from paying or otherwise complying with a ransomware demand.
- Defines the severity level of a cybersecurity incident in accordance with the National Cyber Incident Response Plan.
- State agencies and local governments will be required to report ransomware incidents and high severity level cybersecurity incidents to the Cybersecurity Operations Center and the Cybercrime Office within the Florida Department of Law Enforcement as soon as possible but no later than times specified in the bill. Local governments must also report to the local sheriff.
- Requires state agency and local government employees to undergo certain cybersecurity training within 30 days of employment and annually thereafter.
- Requires local governments to adopt cybersecurity standards safeguarding the local government's data, information technology, and information technology resources.

## OTHER BILLS OF INTEREST

**SB 918 SMALL BUSINESS CERTIFICATION PROGRAM [FAILED]**

- Required the Office of Supplier Diversity of the Department of Management Services to establish the program.
- Required political subdivisions to accept small businesses certified under the program for specified provisions of law.

**HB 505 INSURANCE**

- Qualification for local governmental entity's representative on self-insurer's governing body.
- Revised requirements for residential property insurance rate filings.
- Revises and specifies alternative hurricane deductible amounts for personal lines residential property insurance policies covering risks with specified dwelling limits.
- Foreign pure captive insurance companies to do business in state.
- Revises events under which service agreement companies do not have to establish and maintain unearned premium reserves.

**HB 7059 TIMEFRAMES FOR BRINGING CERTAIN ACTIONS [FAILED]**

- Revised timeframe claimant must present certain claims against governmental entity in writing to certain entities.
- Revised timeframe complaint must be filed in order to bring certain claims against governmental entity.



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# QUESTIONS?

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THANK YOU

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